

REMARKS

Applicants respectfully request entry of the present amendments, reconsideration and withdrawal of the outstanding rejections, and allowance of the claims herein in view of the herein contained amendments and remarks.

Claims 2-13 are currently pending, and claims 5 and 8-13 have been withdrawn from consideration by the Examiner. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

On page 2 of the Official Action, claims 2-4, 6 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by KULLMAN (U.S. Patent No. 5,477,763).

Applicants respectfully traverse this rejection under 35 U.S.C. §102(b).

Applicants note that claims 2 and 6 recite, inter alia, "left and right set teeth, which are set in a lateral direction, as viewed in a cutting direction of the cutting teeth; wherein each of the left and right set teeth is a dovetail shaped set tooth having a tooth tip which is gradually enlarged in the lateral direction in addition to being set".

Applicants submit that KULLMAN lacks any disclosure of *left and right set teeth which are dovetail shaped with tips gradually enlarged in a lateral direction in addition to being set*. In this regard, Applicants note that the disclosure of KULLMAN is directed to "unset teeth", which are "formed symmetrically with respect to a longitudinal center plane (8) along which the basic body lies"

(Abstract, lines 6, 7). The Examiner has focused on a passing mention of “set teeth” at column 4, lines 3-5 of KULLMAN: “When intermixing the groups in accordance with this invention, unset teeth are employed. Nevertheless, interspersing set teeth will not fault the invention, but also does not lead to an improvement of the qualities.”

Even assuming, arguendo, that such discussion in KULLMAN serves as a disclosure of “set teeth”, Applicants submit that KULLMAN still lacks any disclosure of set teeth which are *dovetail shaped with tips gradually enlarged in a lateral direction in addition to being set*. As discussed below, Applicants submit that KULLMAN lacks any disclosure of teeth (including unset/straight teeth) which are *dovetail shaped with tips gradually enlarged in a lateral direction in addition to being set*. However, even assuming, arguendo, that KULLMAN discloses such unset/straight teeth, Applicant submit that KULLMAN is completely devoid of any disclosure of *set teeth* which are *dovetail shaped with tips gradually enlarged in a lateral direction in addition to being set*. Applicants again note that there is only the above-noted passing mention of “set teeth” at column 4, lines 3-5 of KULLMAN, and that there is clearly no description of any specific configuration of such set teeth.

Accordingly, Applicants again submit that KULLMAN lacks any disclosure of *left and right set teeth* which are *dovetail shaped with tips gradually enlarged in a lateral direction in addition to being set*, and urge the Examiner to reconsider his position on this issue.

Applicants note that claim 2 recites, inter alia, “a straight tooth, which is not set in the lateral direction, as viewed in the cutting direction of the cutting teeth; wherein the straight tooth including a dovetail shaped straight tooth having a tooth tip which is gradually enlarged in the lateral direction.”

Applicants note that claim 6 recites, inter alia, “a straight tooth, which is not set in the lateral direction, as viewed in the cutting direction of the cutting teeth; wherein the straight tooth including a bevel-dovetail shaped straight tooth having inclinations at both of left and right ends of a tooth tip which is gradually enlarged in the lateral direction.”

Applicants submit that KULLMAN lacks any disclosure of a *dovetail shaped straight tooth having a tooth tip which is gradually enlarged in the lateral direction*. Applicants particularly note that tooth 2 of KULLMAN is not such a straight tooth. Applicants further submit that KULLMAN lacks any disclosure of a *bevel-dovetail shaped straight tooth having inclinations at both of left and right ends of a tooth tip which is gradually enlarged in the lateral direction*. Applicants particularly note that Fig. 3 of KULLMAN does not disclose such a straight tooth.

In this regard, and contrary to the Examiner’s stated position, Applicants submit that the teeth 2 disclosed in KULLMAN include phases 7, as shown in Figs. 2-6, which form inwardly slanted tooth tips. Applicants submit that such inwardly slanted tooth tips do not constitute *dovetail shaped straight teeth*, nor *tooth tips which are gradually enlarged in the lateral direction*. In this regard, Applicants direct the Examiner’s attention, for purposes of comparison, to the

dovetail shaped teeth, having tooth tips which are gradually enlarged in the lateral direction, as depicted in the Figures of the present application.

Accordingly, Applicants again submit that KULLMAN lacks any disclosure of a *dovetail shaped (or bevel-dovetail shaped) straight tooth having a tooth tip which is gradually enlarged in the lateral direction*, and urge the Examiner to reconsider his position on this issue.

Further, as noted above, even if the Examiner were to maintain his position that KULLMAN discloses such unset/straight teeth, Applicant submit that KULLMAN is completely devoid of any disclosure of *set teeth which are dovetail shaped with tips gradually enlarged in a lateral direction in addition to being set*. Applicants again note that there is only the above-noted passing mention of “set teeth” at column 4, lines 3-5 of KULLMAN, and that there is clearly no description of any specific configuration of such set teeth.

Applicants further submit that the dependent claims, which are at least patentable due to their respective dependencies on claims 2 and 6, for the above-noted reasons, recite additional features of the invention and are also separately patentable over the prior art of record. For example, Applicants submit that KULLMAN lacks any disclosure of a height of each of the left and right set teeth being smaller than or substantially equal to that of the straight tooth (claims 3 and 7) or an inclination being formed at an inside corner on a tooth tip side of each of the left and right set teeth (claim 4). In this regard, Applicants again note that KULLMAN provides no description of any specific configuration of set teeth.

Accordingly, Applicants submit that this rejection under 35 U.S.C. §102(b) is improper at least for each, and certainly for all, of the above-noted reasons. Applicants respectfully request withdrawal of this rejection under 35 U.S.C. §102(b), and an early indication of the allowance of all of the pending claims.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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